

## REMARKS/ARGUMENTS

This Amendment and Response is promptly filed to place the above-referenced case in condition for immediate allowance.

The status of the claims is as follows:

<u>Cancelled:</u>	9-10, 12-29, 40-41, 43-61;
<u>Amended:</u>	1, 11, 30, 33, and 42;
<u>Added:</u>	None; and
<u>Currently outstanding:</u>	1-8, 11, 30-39, 42, 62-75.

No new matter has been added to the application.

From the outstanding Office action, the Examiner considered persuasive Applicant's arguments regarding 35 U.S.C. § 101 and the Examiner's previous rejections regarding this were withdrawn.

The Examiner rejected Claims 1-7, 11, 30-39, [apparently] 42, 62-63, 66-67, and 70-75 under 35 U.S.C. §102(e) as being anticipated by the Lyons et al. '937 publication.

The Examiner also rejected Claims 8, 64-65, and 68-69 under 35 U.S.C. §103(a) as being unpatentable over the Lyons et al. '937 patent publication.

Reconsideration is respectfully requested. Applicant has amended the claims to better reflect the subject matter involved and has considered the Examiner's arguments with respect to the Lyons reference. The remarks made previously in the prosecution of the instant application are incorporated herein by this reference.

It is believed that the Lyons et al. reference does not include the receiving of a buyer's commuting route having a beginning and ending address. Nor does the Lyons reference have an order pick up facility that performs all of the following functions as a mobile pick up station in the applicant's invention does: 1) the pick up facility transports a user's order to a selected pick up location acting as a transportation agent, 2) the pick up facility stations at the selected pick up location acting as a store or outlet, from it, the buyer's order is picked up and 3) the pick up facility is removable from the pick up location to another location for other assignment.

These elements are now in the independent claims and so are by reference incorporated into the dependent claims.

Consequently, as these elements are not taught by Lyons or any of the other cited references, Applicant believes that the claims are now patentable over the Lyons et al. reference.

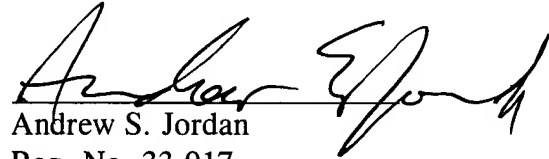
The statements made herein with respect to the disclosures in the cited references represent the present opinions of the undersigned attorney. In the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective references providing the basis for a contrary view.

If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant invites the Examiner to contact Applicant's representative at the number listed below.

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicant respectfully requests the Examiner to pass the application on to allowance. It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP



Andrew S. Jordan

Reg. No. 33,917

Tel.: (310) 451-0647 x125

Date: July 5, 2005

ASJ/kr

Enclosure

Acknowledgement Postcard

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401  
Tel: (310) 451-0647  
Fax: (310) 394-4477  
Customer No.: 25,189  
www.cislo.com

t:\03-12861\reply to second office action of june 10, 2005.doc

## Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States

Postal Service as first class mail in an envelope addressed to:

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on:

July 5, 2005  
Andrew S. Jordan 7/5/05  
Andrew S. Jordan, Reg. No. 33,917 Date